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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,912	08/26/2003	Heemyoung Park	FIS920030026US1	1911
29154	7590	05/08/2009		
FREDERICK W. GIBB, III Gibb Intellectual Property Law Firm, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401			EXAMINER KEBEDE, BROOK	
			ART UNIT 2894	PAPER NUMBER
			MAIL DATE 05/08/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte HEEMYOUNG PARK,  
PAUL D. AGNELLO,  
PERCY V. GILBERT,  
BYOUNG H. LEE,  
PATRICIA A. O'NEIL,  
GHAVAM G. SHAHID,  
AND JEFFREY J. WELSER

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Application No. 10/604,912  
Technology Center 2800

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Mailed: May 8, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

This application was received electronically at the Board of Patent Appeals and Interferences on May 13, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On November 17, 2006, appellants filed an Appeal Brief. A review of the file reveals that claim 9 in the appendix of the Appeal Brief is not consistent as amended in the Amendment filed on July 18, 2005. The Appeal Brief Appendix of Claims (claim 9, page 39, line 7) reads: “forming spacers with a target spacer width adjacent to said gate, wherein in order . . .” However, the Amendment dated April 18, 2006 (claim 9, page 5, line 7-8) reads: “forming spacers with a target spacer width adjacent to said gate stack, wherein in order . . .” Appropriate correction required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for correction of the Appendix for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/DAL/

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